

REMARKS

The Office Action mailed February 9, 2005 has been carefully reviewed and the following remarks are made in consequence thereof.

Claims 1-32 are now pending in this application. Claims 22-32 stand rejected. Claims 1-21 are allowed.

Applicants and the undersigned wish to express their appreciation to the Examiner for the courtesies he extended during a telephone interview that occurred on April 26, 2005. During the interview, the Office Action dated February 9, 2005 was discussed. More specifically, during the telephone interview, the rejection of Claims 22-32 under 35 U.S.C. §112, first paragraph was discussed.

Applicants advised the Examiner that they traversed the rejection of Claims 22-32 because the original specification while describing a best mode did not further limit the claims to the particular mode described such that one skilled in the art would understand methods and apparatus for calcification scoring using images other than just CT scout scan images. No agreement was reached as to the patentability of Claims 22-32 with respect to 35 U.S.C. §112, first paragraph.

The rejection of Claims 22-32 under 35 U.S.C. §112, first paragraph is respectfully traversed.

Applicants respectfully submit that Claims 22-32 are enabling to facilitate calcification scoring using a first image of a heart at a first phase of a cardiac cycle and a second image of the heart at a different second phase of the cardiac cycle to determine a difference image.

With respect to the assertion that the original specification does not reasonably enable any person skilled in the art to which it pertains, or with it is most nearly connected, to practice the invention commensurate in scope with the instant claims, 35 U.S.C. §112, first paragraph states the specification shall set forth the best mode contemplated by the inventor of carrying out his invention. The original specification sets forth the best mode as contemplated by Applicants and describes exemplary methods of carrying out the invention.

Applicants respectfully submit that the original specification also claims the embodiments described in the specification as the best mode.

The reissue permits Applicants to correct a defect of the original patent that resulted from Applicants not claiming all they had a right to claim. Although the original specification describes an exemplary embodiment wherein scout scan CT data is used to describe the best mode of the invention, the original specification describes that this embodiment should not be so limited as to preclude using other images to accomplish the invention. Specifically, the original specification states that the invention relates to minimizing an impact of heart motion in collecting calcification data from coronary images, Specification, page 1 lines 2-3, but the specification does not limit the invention to only using CT scout scan images. For example, the original specification also states that:

when a difference image is determined between the two images that include the columns represented in Figures 6 and 7, peaks such as peak 74 are easily seen. Peak 74 is thus readily identified as a calcification deposit on a portions of the image corresponding to a moving body structures of patient 22. In one embodiment, computer 36 computes difference images and displays the computed difference images on CRT display 42. Calcification scoring is readily accomplished using these computed difference images, either manually using an image on CRT display 42 or automatically, using image processing techniques.

Specification, page 8, lines 18-25. Accordingly, the original specification describes embodiments wherein images are processed and the images are not limited to CT scout scan images.

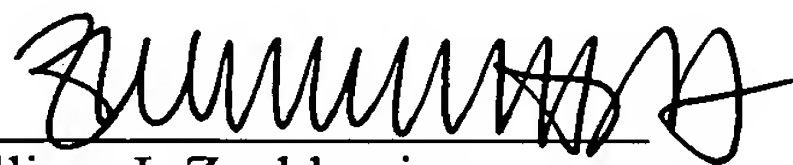
The Federal Circuit has opined in Verve LLC v. Crane Cams, Inc., 65 USPQ 2d 1051, 1053-1054 (Fed. Cir. 2002), that “[p]atent documents are written for persons familiar with the relevant field; the patentee is not required to include in the specification information readily understood by practitioners, lest every patent be written as a comprehensive tutorial and treatise for the generalist, instead of a concise statement for persons in the field.” Applicants respectfully submit that one of ordinary skill in the art, after reading the specification in view of the Figures, would agree that the subject matter in the specification is described in such a

manner as to reasonably enable any person skilled in the art of patient imaging to practice the invention commensurate in scope with the instant claims. Accordingly, Applicants submit that Claims 22-32 meet the requirements of section 112, first paragraph.

For the reasons set forth above, Applicants respectfully request that the Section 112 rejection of Claims 22-32 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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